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REPORT ON SEPARATE SCHOOLS.

At a Special Meeting of the Board of School Trustees for the City of Toronto, held on Thursday, 30th September, 1852, the following Resolutions were unanimously adopted, viz.:—

1st. *Resolved*,—That this Board having learned with deep concern that certain Religious Denominations have appealed to the Legislature and Government for the establishment of Separate Schools, to be supported from general taxation, the Chairman be instructed to transmit to the Members of both branches of the Legislature, and to the Members of the Administration, Copies of the Report of the Standing Committee on Free Schools, relative to the Separate School question; and to express that it is the opinion of the Members of the Board, and they believe of their Constituents, that nothing could be more disastrous to the interests of Free Education, or more inimical to the social peace of the country; and further, that it is the belief of the Board that however much our system of Public Instruction may be valued, the People of Upper Canada would rather consent to its annihilation than that Government should become the Assessor, or the Collector of Taxes, to support the Denominational Schools of any Religious community whatever.

2nd. *Resolved*,—That the Secretary be authorized to get printed 150 copies of the aforesaid Report and the Resolutions now adopted, and to transmit the same to the Legislature and Executive without delay.

BOARD OF SCHOOL TRUSTEES.

Present—Messrs. Beard, Brewer, Fisher, Gooderham, Hall, Lesslie, Maitland, McMaster, McGlashan, Paterson, Shepperd, and Workman.

LETTERS FROM THE R. C. TRUSTEES TO THE SECRETARY OF THE CITY BOARD OF TRUSTEES FOR PUBLIC SCHOOLS.

Toronto, 31st March, 1852.

DEAR SIR,—May I beg on the part of the Trustees, to inquire if the Board has taken any action on the application made by Doctor Hayes to ascertain the probable amount to be appropriated to our use for the current year? Owing to his absence, and delicate health since his return, the matter has, of neccesity, lain over to the present.

I avail of this occasion to acquaint you that we have opened a female school, under the charge of Miss Herrick, a certified Teacher, in the building on Palace Street, formerly known as Russell Abbey, which, we trust will meet with the concurrence of the Board.

The Misses Higgins are anxious to have some maps for their schools. Would they not be ordered for the use of these two very efficient Teachers by the kindness of the Board.

I remain, dear Sir,

Your obedient servant,

TERENCE J. O'NEILL.

George A. Barber, Esq.

Toronto, 20th April, 1852.

To the Board of City Trustees, &c., &c., &c,

GENTLEMEN,—As Trustees of the Catholic Schools of this city, we beg leave, on behalf of the Catholic inhabitants, to submit the accompanying statement, showing the number and character of our schools, and attendance at each, with the view to obtain such proportion for the current year of the School Funds at your disposal, as you shall consider our numbers are entitled to.

It is, perhaps, unnecessary to observe, that a statement rendered at this period of the year cannot be taken to represent fairly the average attendance for the whole year,—the poverty of a large portion of our population preventing many parents from sending their ill-clad children to school during the winter months.

We think it, therefore, but reasonable to compute the number likely to attend our schools during the ensuing seven months, at nearly, if not fully, a-fourth more than now represented, and trust, whatever may be the amount the Board shall see fit to apportion in view of our present numbers, due consideration will be given, at the close of the year, to the large increase which we anticipate our summer and fall's attendance will exhibit.

We partake, equally with yourselves, of the desire to see the blessing of education enjoyed by all classes. Our aim, like your own, is to secure for our youth that system which is best calculated to instruct and elevate. We hope our application will be met in the spirit of equity, and that the amount placed at our disposal shall be commensurate with the requirements of the large body we represent.

We remain Gentlemen,

Your obedient servants,

(Signed on behalf of Trustees) T. J. O'NEILL.

STATEMENT *furnished to City Board of Trustees of Catholic Schools, and children attending the same, Toronto, 20th April, 1852:—*

	Number of Teachers	Boys	Girls	Total
Richmond-street School, taught by Christian Brethren	3	235	—	
St. Paul's Church by Christian Brethren	2	175	—	
St. Patrick's, by Mr. Toaffe.	1	65	—	
St. Patrick's by Miss K. Higgins.	1	—	47	
Stanley-street, by Miss Higgins.	1 and 1 Assistant, (Miss Nolan.)	—	124	
Palace-street (Russel Abbey), by Miss Herrick.	1	—	30	
Loretto (Simcoe-street), by Ladies of Loretto.	2	—	30	
7 Schools (equal to 10).	11 and 1 Ass't, est'd. 10 Teachers.	475	231	706

With regard to the above, we would respectfully note, that the probable expenses of sustaining a similar number of Common Schools, may be presumed to approximate to the following, viz:—

6 Male Teachers	at £110	£660
2 Female do	65	130
2 do do	45	90
Rent of 10 School Houses	20	200
Fuel for do do	7	70
		£1150

(Signed on behalf of C. Trustees) T. J. O'NEILL.

The Committee on Free Schools, to whom was committed the Letters of T. J. O'Neill, Esq., dated the 31st March and 20th April last, relative to the Appropriation of Funds for the support of Roman Catholic separate Schools, beg to Report:—

That the Roman Catholic Separate Schools, which have hitherto been recognized by the Board, are No. 14, Male and Female Schools, in St. Patrick's Market, and No. 8, Female school, in Stanley Street; and these have been under the direction of two Committees, appointed by the Board, under the compromise made with the Roman Catholic inhabitants, in February 1851. The amount appropriated last year for their respective Sections having been voluntarily deprived of the Second for a time, was £196 5s., but the sum appropriate[d] [for] the two Schools, at an average rate of £110 each per annum.

With regard to the claims of separate Schools, established according to law, they are entitled, by the 19th section of the School Act, to share in the School Fund, according to the average attendance of pupils (the mean average attendance in summer and winter being taken,) as compared with the whole average attendance at the Public Schools.

The School Fund consists of the Legislative Grant, and a local Assessment at least equal to it in amount. If the assessment fall short of the grant, the amount of the grant is proportionately reduced; but if the assessment be greater, the grant is not increased. These equal sums united, form, according to the interpretation of the law by the Chief

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attend[illegible] of Educat[illegible] the Common School [illegible]nd [illegible] Act, and is to be applied solely [illegible] the p[illegible] of t[illegible] sal[illegible]s of qualified Teachers. If any locality chose to levy [illegible]% Tax exceeding the sum required to sec[illegible] Government Grant that excess is at the disposal of the Board of Trustees, for general School purposes, and cannot, with any regard for propriety or justice be applied to the support of separate Schools, whether Protestant or Roman Catholic.

Your Committee, desirous to meet the claim of the Roman Catholic inhabitants, so far as duty and law require, endeavoured to form a correct judgment as to the relative claims of those who demand separate Schools, whether Protestant or Roman Catholic, and the claims of our entire population, for whose welfare the system of Public Instruction has been established. While your Committee admit that the law makes provision for separate Schools, to meet an exigency—namely, the anticipated intrusion of the religious dogmas of a majority upon a minority; yet no ground for such complaint exists, or has been urged against the public Schools of this City,—they having been established upon a broad catholic basis, rendering the demand for separate Schools utterly indefensible, upon any sound principle of political justice or morality.

It is one of the recognised principles of civilized society, that all shall contribute to establish and sustain Institutions deemed essential by the majority—provided that the demand does not infringe upon the rights of conscience. Thus, the charges attendant upon every branch of public legislation, jurisprudence, or any other branch of social economy, security of defence, are, or should be borne equitably by all the inhabitants of the country, because all are partakers of the benefits resulting from the expenditure. No good citizen complains of being taxed to make the laws of his country, to guard it against foreign enemies, to secure its internal peace,—to repress and punish crime, or to extend the benefits of public economy throughout society. Religious distinctions, in such cases are unknown—the sectarian is wholly merged in the citizen. We never hear of separate houses of legislation being demanded by Protestants or Roman Catholics,—separate Courts of Justice—separate Houses of Correction, or any other of the numerous arrangements which the peace, safety and well-being of society demand. There is a universal admission of the rectitude and necessity of co-operation in public affairs, and of submission to the burthen imposed to uphold those civil institutions which the majority may deem essential to the social existence or welfare of the whole.

Among all the instrumentalities employed to secure the moral elevation, and to promote the best interests of society, none appear to be more important than a wise and liberal system of public instruction, based upon moral law, but free from sectarianism. To promote intelligence and virtue all admit is better than to punish ignorance and crime: to pay by a public tax, for the moral and intellectual improvement of youth (committing their instruction in dogmatic theology entirely to parents, guardians, and religious teachers,) experience has proved to be the best public economy. The system of Free Schools, recently established in the city, rests upon the recognition of an entire equality of rights and privileges among all classes of citizens. The religious convictions of all denominations have been scrupulously respected, and their rights sedulously guarded by the law under which the schools have been established. No Protestant teacher can thrust his religious opinions upon Roman Catholic youth, nor can a Roman Catholic teacher upon Protestant youth. In this respect, *our educational system differs essentially from that of Lower Canada*: there, the schools of the majority are essentially sectarian: here, on the contrary they are emphatically unsectarian,—they are secular but moral. When, however, twelve resident householders of different religious faith to the teacher appointed to any School section, or twelve [illegible]red persons, apply to a Board of Trustees for a Separate School, it must be granted. [illegible]ug[illegible]here is no alleged ground for complaint. Still, in such cases the law evidently guards against such schools being recognized as upon an equality with the public schools generally. It concedes a certain measure of public aid, but regards their existence as an undesirable exception to a great principle, that the State should afford an opportunity to every youth in the land, to enjoy the benefit of a good moral but secular education.

Your Committee would further remark that as Roman Catholics are required, as well as Protestants, according to the assessed value of their property, to contribute their share to the entire local tax levied for School purposes,—not merely that which is required to secure the share of the Legislative grant, but any excess which the Board of Trustees may determine, your Committee acknowledge that they should share in the advantages of the whole fund equally with others—not however as Roman Catholics or Protestants—*not as the professors of any system of religious faith*—BUT AS CITIZENS. If either party, members of the body politic, choose to isolate themselves from the rest of their fellow citizens on the ground of holding to certain religious opinions: if they refuse to co-operate in arrangements for the general good which do not at all infringe upon their rights as religious communities; and, if, thus they voluntarily forfeit the advantages they are invited to enjoy equally with others, the blame rests not with the Board but with themselves. Neither the general nor the local Governments of the State have any warrant to make laws or to collect taxes to build up any system of religious faith whatever. Such functions belong exclusively to the lawful authorities of religious communities. If Roman Catholics or Protestants are to share in the moral and political advantages which arise from the promotion of intelligence and virtue in society by means of unsectarian public schools, they are required, in justice, to pay for such advantages in common with their fellow citizens generally. If either Protestants or Roman Catholics desire to superadd other schools to indoctrinate their youth with their own peculiar religious opinions, common justice and propriety demand that it should be done by their own agencies, and entirely at their own cost. The principle is false which makes any secular Government to become a tax-gatherer for churches; and it bears unjustly and grievously upon those who conscientiously repudiate the interference of Government in providing for the teaching of sectarian dogmas, or for the support of religious communities.

Your committee are fully convinced that justice to society—to every religious persuasion—can never be fully enjoyed but upon the invulnerable ground so highly eulogized by the present Roman Catholic Archbishop of New York—namely, that *Civil Government has no moral right to legislate upon the subject of religion.* That eminent ecclesiastic, referring to the rights of conscience in other countries being often secured by affirmative laws, thus refers to the superior security afforded in the United States by "a Constitutional Negation of all power to Legislate on so sacred a subject." His words are—"In other countries they are secured by some positive statute—here they are safer, under a constitutional provision forbidding any such statute to be ever enacted. In other countries toleration was granted by the civil authority—here the great men who framed the constitution saw, with keen and delicate perception, that the right to tolerate implied the equal right to refuse toleration; and on behalf of the United States, as a civil government, they denied all right to legislate in the premises, one way or the other; "Congress shall make no law on the subject of religion, or prohibiting the free exercise thereof."

The vital principle involved in this interesting quotation from the lecture of the Archbishop is the only rightful and efficient guarantee for the protection of the rights of conscience. Let civil rulers cease from legislating upon the subject of religion

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and all will be safe. Religion [illegible] aid: it will flourish the better without it, and it will [illegible] when governments will die.

The School Act in the opinion of your Committee, violates the principle inasmuch as it makes provision for the establishment of Sectarian schools where no reasonable cause exists for their establishment, that is, in cases where no rights are violated, or offence is committed against the religious opinions or prejudices of the applicants. The end would have been better attained by a legislative negation of all power to introduce sectarian religious teaching into any of our Public Schools.

Accompanying the communication of Mr. O'Neil submitted to your Committee, dated the 20th April, is a statement showing that the whole number of Roman Catholic Schools in the city amounts to seven, embracing eleven teachers, one assistant, and 706 pupils. These include the schools taught by "the Christian Brothers." and "the Loretto Female Schools." The cost of these as computed by the Roman Catholic Trustees, reckoning the same rate of expenditure as is required for the support of other schools, embracing Teachers' salaries, rent and fuel, amounts to £1150. This is presented to the Board, no doubt, as a mere ground for calculation, bnt affords no proper data for the computation of the amount which the parties may legally claim for the support of the separate schools recognized by the Board.

In estimating the amount legally due to the Roman Catholic Trustees, assuming the School Fund to be the Government appropriation and an equivalent amount raised by assessment (which is the evident meaning of the act); reckoning the total fund at £1000, and their proportion according to the average attendance as shown by the official returns (about 1-14th) the sum would be only £70. But assuming that the School Fund embraced the Government appropriation, and *the whole* of the local assessments for school purposes (which your Committee do not allow) the sum apportioned to the Roman Catholic Separate Schools, under the compromise of last year, exceeded not only the amount to which they were legally entitled, but the whole amount of the School tax, paid by the Roman Catholic inhabitants of the city.

From a recent return submitted to this Board by its Secretary, after much tedious investigation, the following facts, gathered from authentic statistical documents, exhibit that the Roman Catholic inhabitants of the city, while reckoned at upwards of one-fourth of the population, contribute only about one-twelfth of the taxation. From the return referred to, your Committee find that the total *annual value* of the taxable property in the city amounts to £186,983 5s.;—of [illegible] is the proportion held by Roman Catholics is £15,750 10s. [illegible] e total [illegible] amount of School Tax for last year at 2½d. currency pound, was £1[illegible]9; the [illegible] proportion contributed by Roman Catholic inhabitants was £17 10s. Were the sum thus contributed by the Roman Catholic inhabitants to be placed at the disposal of the Committee now superintending their separate schools—together with their legal share of the legislative grant—the sum would fall short of £200;—last year the amount was rated by compromise at £220.

While your Committee cannot too strongly repudiate the principle recognized by the present School Act, of giving a Legislative sanction to Separate Schools without any just cause for their existence (as in Lower Canada,) they would seek most earnestly, but by other and better means, to guard the rights of every class in the community. Your Committee fear, that to continue to carry out the principle that the State should provide means to inculcate Sectarian Religious dogmas in our Public Schools, will result, not only in the various Boards of Trustees being required, according to the plainest principles of political justice, to meet the demand of other Religious bodies for the establishment of Denominational Schools, but perhaps even in the entire destruction of our Educational system.

Your Committee having reason to believe that some members of the Board regard the Compromise of last year, relative to the Separate Schools as having extended morally into this; and having given their views upon the case at some length, while they cannot recommend an appropriation beyond that which the law evidently allows, deem it to be their duty to commit the adjudication of the amount to the whole Board.

All which is respectfully submitted.

J. LESSLIE, *Chairman.*
WM. McMASTER,
D. PATERSON,
WILLIAM SHEPPERD,
WILLIAM HALL.

After some remarks from Messrs. McMaster, Maitland and Dr. Workman, Mr. Lesslie moved the adoption of the Report, with a view to the question being submitted to the Law Officers of the Crown for their opinion, which was carried.

A resolution was then passed, authorizing the Chairman to submit the matter to the Attorney General.

The Board then adjourned.